

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

KENNETH HAWKINS,
Petitioner,

v.

KELLY SANTORO, Warden,
Respondent.

Case No. [22-cv-09148-VKD](#)

ORDER OF TRANSFER

Mr. Kenneth Hawkins, a state prisoner currently confined at North Kern State Prison in Delano, California, filed a *pro se* petition for writ of habeas corpus, challenging his state conviction out of Sacramento County. Dkt. No. 1 at 1.

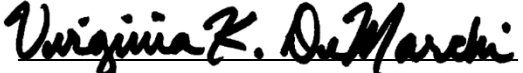
A petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court of a state which contains two or more federal judicial districts may be filed in either the district of confinement or the district of conviction. *See* 28 U.S.C. § 2241(d). Mr. Hawkins' district of confinement is the Eastern District of California, which includes Kern County. 28 U.S.C. § 84(b). Mr. Hawkins' district of conviction is also the Eastern District, which includes Sacramento County. 28 U.S.C. § 84(b). Accordingly, the Northern District of California has no jurisdiction over this matter.

In the exercise of its discretion, and in the furtherance of justice, the Court finds that this case should be transferred to the United States District Court for the Eastern District of California. *See* 28 U.S.C. § 1406(a); Habeas L.R. 2254-3(b)(1).

The Clerk of the Court shall terminate all pending motions and transfer the entire file to the Eastern District of California.

IT IS SO ORDERED.

Dated: January 3, 2023


VIRGINIA K. DEMARCHI
United States Magistrate Judge

United States District Court
Northern District of California